

1 A public hearing of the Jefferson Proving Ground
2 Restoration Advisory Board meeting was held at the Madison
3 Jefferson County Public Library, 420 West Main Street,
4 Madison, IN at 7:00 P.M. on July 29, 2003.

5

6 **OPENING STATEMENTS BY MR. PAUL CLOUD:**

7 Okay. I would like to get started. Welcome
8 to the JPG Restoration Advisory Board meeting. For those of
9 you who may not know me which I'm not sure there's anyone
10 out in the audience that falls in that category my name is
11 Paul Cloud. I work for the United States Army. I'm the
12 Army's co-chair for the RAB. I'd like to welcome everyone
13 here tonight. We have a handout in the back with a copy of
14 the agenda. The handout is a copy of all the slides that
15 you will be seeing tonight up on the screen. We also have
16 an attendance sheet. If you are not on our mailing list or
17 you have changed your address please ah so indicate on the
18 attendance sheet and we will make sure that you're notified
19 of any further additional future developments and mailing.
20 With that I don't have anything else to say as far as
21 welcoming comments. For introduction I will turn the
22 meeting over for Richard Hill, our community co-chair to

23

24

1 welcome you.

2

3 **MR. RICHARD HILL:**

4 Thank you Paul. Good evening. Ah I just
5 had a little discussion with Ken. Ah it was kind of a
6 strange question but anyway I won't go into all that but ah
7 just as a matter of information which is kind of RAB related
8 is that ah Save the Valley has changed its website.

9

10 **MR. KEN KNOUF:**

11 Maybe they couldn't find our website
12 anymore.

13

14 **MR. RICHARD HILL:**

15 Yeah. It's savethevalley.org and we have
16 some pictures of the DU area on there now that I took when
17 we went out there with Diane earlier in the year. And ah
18 would just like to welcome everybody here tonight and that's
19 about it I think. Let's get started.

20

21 **MR. PAUL CLOUD:**

22 Let me follow up on that for just a moment.

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1 Richard, the Save the Valley website is also - there are
2 links to it on Jefferson website. We had changed that
3 address so if you click on that now you will go to it
4 instead of getting an error message. So we have updated
5 that also. The agenda is shown up there. As we go through
6 the various items if there are any comments or questions we
7 do have a period for that at the end, however, if there's
8 something you feel you would like to bring up at that
9 particular moment don't hesitate and we can discuss it at
10 that time. Ah first item is to just go through and show you
11 where we are in the sequencing and scheduling for the
12 Cantonment Area Feasibility Study which is part of the
13 administrative process for the environmental restoration of
14 the Cantonment Area. This next slide is somewhat of a
15 historical slide. It just shows you where we have been up
16 to June of this year. The next slide follows on to that and
17 the last two (2) items on this particular slide are
18 basically where we are now and where we hope to be ah in
19 August. Is there any questions regarding that? I would be
20 happy to answer them or we have representatives here from
21 the State Environmental Management, IDEM or the Regional
22 Office of EPA in Chicago. And we also have a representative

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1 from the Community's Technical Assistance Program. So I
2 think we can cover just about any question anybody would
3 have plus we have our contractor here too. Ken?

4

5 **MR. KEN KNOUF:**

6 Paul can you maybe briefly summarize if
7 there are any outstanding comments right now or kind of
8 where the comments fall?

9

10 **MR. PAUL CLOUD:**

11 Ah there are a lot of comments regarding
12 issues of concern on geology, hydrology, ah eco risks or
13 ecological risks. There were some data quality or QSR types
14 of questions that we talked about ah this afternoon. I
15 think we resolved the issues this afternoon. We have
16 tomorrow and Thursday to talk about some of those other
17 issues. If I've missed anything I will throw it to you
18 Karen or Kevin regarding just general topics of areas of
19 questions or comments still outstanding. Karen? Kevin?

20

21 **MS. KAREN MASON-SMITH:**

22 I - I think you covered it with the

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1 exception of ah if there are some issues regarding
2 background soil samples, and that's something that came up.
3 Jamie, I don't know if you have anything to add.

4

5 **MS. JAMIE DeWITT:**

6 Well I think background soil sampling has
7 always been a concern.

8

9 **MS. KAREN MASON-SMITH:**

10 So that came up.

11

12 **MS. JAMIE DeWITT:**

13 There aren't any true background samples.

14

15 **MS. KAREN MASON-SMITH:**

16 And there's I think a couple of issues that
17 we need to discuss tomorrow too regarding human health
18 issues.

19

20 **MR. PAUL CLOUD:**

21 Does that answer your question Ken?

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1 **MR. KEN KNOUF:**

2 Yes thank you.

3

4 **MR. PAUL CLOUD:**

5 Okay any other questions? Okay. The next
6 series of slides will ah go over an update on Findings of
7 Suitability to Transfer. We have basically three (3): the
8 Airfield Parcel, the Northeastern Parcel and the Western
9 Wooded Parcel. And we will kind of go through them in
10 sequence. The Airfield FOST was signed last year in
11 December. The Draft Deed was sent to the Ford Lumber and
12 Building Supply Company middle of this month. The Army is
13 expecting or estimating that the Transfer will occur either
14 in August or September. We're just going through the
15 process now. Subsequent to that Trans - that Transfer this
16 parcel would then belong to the Ford Lumber and Building
17 Supply Company. It's approximately seven hundred and
18 seventy-seven (777) acres. Any questions regarding the
19 Airfield Parcel? Yes ma'am?

20

21 **MS. ANNE ANDREASEN:**

22 Well can you comment on any remaining areas

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1 yet to be ah saved and transferred?

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3 **MR. PAUL CLOUD:**

4 Yes.

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6 **MS. ANNE ANDREASEN:**

7 Are there any remaining areas?

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9 **MR. PAUL CLOUD:**

10 Oh yes.

11

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13 **MS. ANNE ANDREASEN:**

14 I mean other than those listed here in the
15 Western Wooded Area?

16

17 **MR. PAUL CLOUD:**

18

19 In general the Ford Lumber and Building
20 Supply Company has a Lease in Furtherance of Conveyance for
21 approximately thirty-four hundred (3400) acres. That means
22 that at the time that the Army has completed its restoration

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1 activities up there, and/or UXO removal clearances, ah the
2 Ford Lumber and Building Supply Company would then own
3 thirty-four hundred (3400) acres. There are two (2) other
4 major parcels in the Cantonment Area that ah will not belong
5 to that company and those are the two (2) park parcels: the
6 one (1) that the County currently owns, Krueger Lake which
7 is approximately two hundred and twenty (220) acres and the
8 one (1) that we will talk about a little bit later which is
9 the Western Wooded Parcel about four hundred and five (405),
10 four hundred fifteen (415), four hundred twenty-five (425),
11 somewhere in that vicinity. With the exception of one (1)
12 other acre which is basically where the Madison Port
13 Authority is located in Building 216 they purchased that
14 from the Army. That covers the entire Cantonment Area. Now
15 the thirty-four hundred (3400) acres that will eventually
16 belong to the Ford Lumber and Building Supply Company
17 currently the Army has transferred approximately twelve
18 hundred and fifty (1250) acres of that thirty-four hundred
19 (3400). That does not include this seven hundred and
20 seventy-seven (777) acres. So when we have transferred this
21 we can round that off to approximately two thousand (2,000).
22 The Northwest or the Northeastern Parcel is approximately
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1 four hundred and sixty-five (465) acres. That's the one (1)
2 that's at the Pentagon now for signature. The Western
3 Wooded Parcel, which is not part of Ford's future property,
4 but it's part of the Cantonment Area, again - and we'll talk
5 about it a little bit more is approximately four hundred and
6 fifteen (415), four hundred twenty-five (425) acres. What
7 that leaves is a parcel that we internally refer to as the
8 Southeastern Parcel which is south of Krueger Lake and east
9 of Shun Pike down to the southern boundaries. That's
10 approximately seven hundred and fifty (750) to eight hundred
11 (800) acres. That still has to be transferred. Then the
12 remaining property, approximately five hundred (500) acres,
13 is bits and pieces throughout the Cantonment Area. We refer
14 to them commonly as postage stamps and the reason why they
15 are all over the Cantonment Area. That's basically where
16 the environmental contamination is in various different
17 areas. And those will be the last parcels in one (1) big
18 accumulated group that is transferred and disposed of. Does
19 that answer your question?

20

21 **MS. ANNE ANDREASEN:**

22 That includes the area around the old

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1 sanitation?

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3 **MR. PAUL CLOUD:**

4 Yes ma'am. That's one (1) of those parcels.

5

6 **MS. ANNE ANDREASEN:**

7 That's one (1) of those parcels?

8

9 **MR. PAUL CLOUD:**

10 Yes ma'am. In fact when the twelve hundred
11 (1200) acre Central Cantonment Area was transferred to the
12 Ford Lumber and Building Supply Company there was a specific
13 decision to cut out around the sanitation plant because
14 there was soil contamination there. And we had to address
15 that. Richard?

16

17 **MR. RICHARD HILL:**

18 So Paul once the issue, the remediation
19 issue of these postage stamp areas is completed it's
20 intended that those would be pretty much ah transferred as a
21 group?

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1 **MR. PAUL CLOUD:**

2 Yes.

3

4 **MR. RICHARD HILL:**

5 And all the work would be done?

6

7 **MR. PAUL CLOUD:**

8 Yes.

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10 **MR. RICHARD HILL:**

11 Okay.

12

13 **MR. PAUL CLOUD:**

14 And one (1) of the things you need to
15 understand is the burden for surveying this property to get
16 the legal description falls on the future owner. It's not
17 reasonable for the Army to go to him and say well we've got
18 fifteen (15) or twenty (20) or thirty (30) of these little
19 postage stamps but we want to do them individually so go out
20 and get your surveyor to do them twenty (20) or thirty (30)
21 times. It's not reasonable for the community, for the
22 regulator or the Army to create twenty (20) or thirty (30)

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1 Findings of Suitability to Transfer when you can do it all
2 at once. Any other questions? Okay. The next parcel is
3 the Northeastern Area Parcel. It says approximately four
4 hundred and sixty-five (465) acres. Has thirty-nine (39)
5 buildings in it and the FOST is written for unrestricted
6 use. The document was provided for review last year. We
7 received initial comments in September and October. The
8 Army responded to those and received a request for either a
9 concurrence or an identification of outstanding issues the
10 end of February of this year. We did receive outstanding
11 comments in February and March of this year. And the Army
12 responded to those. The document has now been staffed
13 through the Army. It's up at the Pentagon for final
14 approval. We expect that that approval will come next
15 month. Once it is then the document will be sent with its
16 environmental criteria and conveyance and restrictions to
17 the Louisville Corps of Engineers real estate office. They
18 will prepare the Draft Deed for the Ford Lumber and Building
19 Supply Company and we estimate the transfer would probably
20 occur sometime the end of this year.

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22 **MS. KAREN MASON-SMITH:**

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1 Paul?

2 **MR. PAUL CLOUD:**

3 Karen?

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5 **MS. KAREN MASON-SMITH:**

6 I have a question. The Army provided
7 responses to the outstanding comments in May of 2003. And
8 there were some of the responses I think we were expecting
9 to receive regarding for instance the UXO Tech Memo for the
10 residual soil sampling in the south area. Does the Army
11 still plan to send some of the revised documents or
12 information that the responses said that they were going to
13 send and when can we expect those?

14

15 **MR. PAUL CLOUD:**

16 When the FOST is approved any additional
17 taskers or requirements that are identified in the Army's
18 response to the outstanding comments will be provided at
19 that time. Until the document is approved it would be
20 inappropriate to commit to anything because that might
21 change.

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1 **MS. KAREN MASON-SMITH:**

2 But when you send those, the information,
3 will the FOST go back out?

4 **MR. PAUL CLOUD:**

5 No. We - we have got - we have gone through
6 the identified process for Findings of Suitability to
7 Transfer. That process is the Army creates one (1) when it
8 believes a parcel is suitable for transfer. They identify
9 the parcel, they go through the various environmental issues
10 regarding storage tanks, asbestos, all the very --

11

12 **MS. KAREN MASON-SMITH:**

13 UXO?

14

15 **MR. PAUL CLOUD:**

16 UXO and so forth.

17

18 **MS. KAREN MASON-SMITH:**

19 Okay.

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21 **MR. PAUL CLOUD:**

22 They put it out for public comment. That's

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1 minimum of thirty (30) days. Ah after that period and any
2 comments are received the Army will then one (1) respond to
3 those and provide the document as applicable. The document
4 then goes out a second time under a shorter time span to
5 request either a concurrence to the document as revised or
6 to identify what is categorized as outstanding issues,
7 things that either the public or the regulators still have
8 questions of concerns about. The process then goes that if
9 there are any outstanding comments that the Army will
10 provide a response to those, in one (1) of the enclosures to
11 the FOST, it's made a part and body of the FOST. Once the
12 FOST is approved then the entire document is provided to the
13 regulators and the general public. If it is not approved
14 then it has to come back and whatever causes it not to be
15 approved would have to be modified before it would then go
16 back up and be approved. That's the process.

17

18 **MS. KAREN MASON-SMITH:**

19 Okay.

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21 **MR. PAUL CLOUD:**

22 And that's what we've done over these many

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1 years.

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3 **MS. KAREN MASON-SMITH:**

4 So to clarify that when the Army approves
5 the FOST that you're re-sending then the information that
6 either EPA or IDEM or the task consultant for the RAB or
7 whoever recommended, those things are going to be provided
8 by the Army once this FOST is approved?

9

10 **MR. PAUL CLOUD:**

11 If in the Army's response there was an
12 agreement and a commitment to provide that yes.

13

14 **MS. KAREN MASON-SMITH:**

15 Right. And that's what I'm speaking to on
16 those responses. Okay.

17

18 **MR. PAUL CLOUD:**

19 If there was - you know if you asked for
20 "A", whatever "A" is, and the Army says yes when the
21 document is approved we will provide you "A". And then when
22 the FOST is approved we would probably in the same package

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1 you got the approved FOST in you would get whatever "A" is,
2 whether it's a document or a picture or whatever.

3

4 **MS. KAREN MASON-SMITH:**

5 Okay so since the FOST is already approved
6 is that still the opportunity for the public including the
7 regulatory agencies that are viewing that information to
8 comment again that this addresses it? Or is that pretty
9 much a done deal?

10 **MR. PAUL CLOUD:**

11 That's the end of it. Once the FOST is
12 approved we have acknowledged and responded to whatever the
13 outstanding comments are. The Army as the lead federal
14 agency is still the liable party. If there is a legal
15 problem with that then the Army would accept that. And
16 that's why - that's why the decision to accept or reject the
17 FOST sometimes takes so long because they look at whatever
18 the outstanding comments or questions are and whether or not
19 they've been adequately addressed in the Army's opinion.

20

21 **MS. KAREN MASON-SMITH:**

22 Okay. And it just seems to me that in my

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1 opinion, and I'm just giving you my opinion, it just seems
2 to me that if the Army has responded that they're going to
3 address an issue that they would try to work that issue out
4 and get that process approved first before finalizing the
5 FOST approval. So that just seems like it would be --

6

7 **MR. PAUL CLOUD:**

8 I appreciate your opinion. Ah the process
9 is what the process is and it's not just an Army process.
10 It's a DOD process which is used by all the services and it
11 really hasn't changed. I mean we have done this over the
12 last several years in all the FOSTs that we have generated
13 here at JPG so I mean we're not doing something abnormal or
14 unusual or different. It's - it's the standard policy that
15 we actually at Jefferson go overboard by giving additional
16 time for review and comments. So I think we're more than
17 meeting the standard as established by our agency. Any
18 other questions? Okay this is a picture again of the parcel
19 in question. And those arrows show where the potential UXO
20 and the UXO removal action was performed. The next parcel
21 is the Western Wooded Parcel. I have a picture of it a
22 little later on. In May, the 23rd, the Army signed on a

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1 letter to the County informing them that they would approve
2 the County's request for this parcel. The FOST was put out
3 for initial public review and comment on the 26th. We asked
4 for comments by first of August which is this Friday. Right
5 now we're estimating that that parcel will be transferred on
6 the end of this year. Under the requirements for a Public
7 Benefit Conveyance there are very specific things that that
8 parcel can only be used for. In this case it basically is a
9 park. But there will be certain other restrictions
10 regarding wetlands and endangered species that will also
11 have to be complied with.

12

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14 **MR. KEVIN HERRON:**

15 Paul?

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17 **MR. PAUL CLOUD:**

18 Yes Kevin.

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20 **MR. KEVIN HERRON:**

21 There was a wetlands delineation.

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1 **MR. PAUL CLOUD:**
2 Yes there was. The Corps of Engineers
3 performed it.
4
5 **MR. KEVIN HERRON:**
6 Right. And there was a document that was
7 generated?
8
9 **MR. PAUL CLOUD:**
10 Yes there is.
11
12 **MR. KEVIN HERRON:**
13 Okay. And also this parcel does not contain
14 any Remedial Investigation sites?
15
16 **MR. PAUL CLOUD:**
17 That's also true. Thank you very much.
18
19 **MR. RICHARD HILL:**
20 Good point.
21
22 **MS. KAREN MASON-SMITH:**
23
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1 Well I - I guess I have a question about the
2 wetlands document that you have. Is that a document that is
3 open ah to be shared by the public?

4

5 **MR. PAUL CLOUD:**

6 Yes it is.

7

8 **MS. KAREN MASON-SMITH:**

9 Okay.

10

11 **MR. PAUL CLOUD:**

12 Yes it is. If anybody wants a copy let me
13 know and I will provide it.

14

15 **MS. KAREN MASON-SMITH:**

16 I would like a copy.

17

18 **MR. PAUL CLOUD:**

19 No problem.

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21 **MR. KEVIN HERRON:**

22 And that becomes part of the FOST?

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MR. PAUL CLOUD:

No. The FOST - FOSTs are Finding of Suitability to Transfer and their focus is environmental issues. They're not - they don't address such things as wetlands, endangered species, rights of way or access, historical, archeological issues. Those are all Deed Transfer types of things and that's why we hire Corps of Engineers real estate office to be our real estate agent. That's their responsibility and there is an internal mechanism and check list that we go through to identify, similarly hundred (100) year flood plain. You know coastal issues, things of that nature. Air conformance requirements.

MR. KEVIN HERRON:

That would be identified in the Deed?

MR. PAUL CLOUD:

Yes that would be identified in the Deed.

1 **MS. KAREN MASON-SMITH:**

2 Paul when you do your deeds do you work with
3 the State with all those requirements?
4

5 **MR. PAUL CLOUD:**

6 It's the Army. We utilize ah certain
7 requirements of the State of Indiana regarding certain
8 things on real estate law such as - as an example, and
9 although this is not a specific it might give you an idea.
10 If the Army believes that there is a need to invoke a use
11 restriction of some kind on the property Indiana law allows
12 if that restriction needs certain criteria, that that
13 restriction will run with the land. And what that means is
14 that if the Army sells you a par - say you're Ford Lumber
15 and Building Supply. We now transfer this parcel to you and
16 it says you cannot pump the ground water and use it for
17 drinking water until we have cleaned up the ground water
18 contamination there. Then as long as that requirement and
19 that clean up has not been completed then drinking water
20 from the ground water cannot occur. But once we've cleaned
21 up the ground water and we have gotten the buyoff from the
22 regulators, then the Army would go back in and do a revision
23

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1 to the formal deed document removing that restriction. But
2 it runs with the land. So that if we transfer it to you you
3 can't pump the ground water and drink it. If you now sell
4 it to Kevin it now follows the land. It doesn't go just
5 between you and the Army. It goes with the land until the
6 restriction is lifted. And if there is a perpetual
7 restriction it would run with the land in perpetuity.

8

9 **MS. KAREN MASON-SMITH:**

10 Okay because that's just ah - that changes a
11 little bit from the sites that are on the NPL. I know this
12 is a non NPL site but for some of the sites that are on the
13 NPL ah the language that actually is going to be in the Deed
14 Restriction the attorneys from both the federal concerns
15 work with the - the EPA attorneys and also with the State
16 attorneys. So that's what I'm asking.

17

18 **MR. PAUL CLOUD:**

19 As you said NPL. The NPL is a very big
20 difference between if you're on or if you're not. And we're
21 not. If we were we would follow the NPL criteria.

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MR. BOB HUDSON:

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MR. PAUL CLOUD:

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MR. BOB HUDSON:

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MR. PAUL CLOUD:

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MR. BOB HUDSON:

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Paul was the decision to go the route that's taken a legal one (1), a political one (1) or one (1) just to appease the County or are you at liberty to say?

Regarding what?

The decision to transfer this property to the County?

The Army evaluated the two (2) outstanding interests in this parcel and that decision was made by the Deputy Assistant Secretary of the Army, Mr. Whitaker, who replaced Mr. Johnson.

Oh yes I know him.

1 **MR. PAUL CLOUD:**

2 And there were arguments for and against
3 both applications. Mr. Whitaker weighed those. He also, as
4 far as I know, had input from the community and some of the
5 elected officials. He weighed all that and received
6 recommendations from his staff and whoever else he sought
7 out and then he made his decision.

8

9 **MR. BOB HUDSON:**

10 Okay.

11

12 **MR. PAUL CLOUD:**

13 Peggy?

14

15 **MS. PEGGY VLEREBOME:**

16 Have you received any comments so far on
17 this?

18

19 **MR. PAUL CLOUD:**

20 No ma'am.

21

22 **MS. PEGGY VLEREBOME:**

23

24

1 The deadline is Friday.

2

3 **MR. PAUL CLOUD:**

4 And that's not unusual. That's not unusual.

5 Usually they come in on the last day or a few days
6 thereafter. It's not a hard and fast thing. I mean if it's
7 thirty (30), sixty (60), ninety (90) days after then usually
8 specifically to either the community's TAP provider or the
9 State or the EPA I will call them and ask. You know I say
10 we ask for them then. I mean it's not a legal requirement
11 but it's a professional courtesy I think to get back to them
12 and say do you have any comments. So no I haven't received
13 anything yet but that's not unusual.

14

15 **MR. RICHARD HILL:**

16 Just for your information Paul you don't
17 need to hold your breath until you get community comments
18 because there's basically nothing there so we're probably
19 not going to comment.

20

21 **MR. PAUL CLOUD:**

22 Okay thank you. I appreciate that.

23

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MR. RICHARD HILL:

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Okay.

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MR. PAUL CLOUD:

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Joe?

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MR. JOE ROBB:

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MR. PAUL CLOUD:

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MR. JOE ROBB:

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MR. PAUL CLOUD:

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All right. No problem. But I can add you
to the list with the State and the EPA.

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MS. KAREN MASON-SMITH:

Okay so do you know what percentage of this particular parcel is wetlands?

MR. PAUL CLOUD:

Over ninety (90) percent.

MR. KEN KNOUF:

Ninety-eight (98).

MS. KAREN MASON-SMITH:

Oh ninety-eight (98)? Really? Wow. And you're not required under the FOST to include that information in the FOST?

MR. PAUL CLOUD:

It's not an environmental issue. Just like clean air. Ah conformance is not specifically an environmental issue but it's something that is addressed under the internal check list just like hundred (100) year

1 flood plain or rights of access are not environmental
2 issues. But they're deed title conveyance issues that are
3 handled internally.

4

5 **MS. JAMIE DeWITT:**

6 Are environmental issues only pollution
7 issues? So what are environmental issues?

8

9 **MR. PAUL CLOUD:**

10 Well if you take a look at the FOST and you
11 see all the things that are discussed in there, if there's
12 anything that would in your opinion be suggested as being
13 added I would be happy to tack it on.

14

15 **MS. JAMIE DeWITT:**

16 I'm just asking. I was curious.

17

18 **MR. PAUL CLOUD:**

19 It's a standard thing. You know asbestos,
20 PCBs, underground storage tanks. If you have -- go ahead
21 Kevin.

22

23

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1 **MR. KEVIN HERRON:**

2 Are you talking about environmental clean
3 up, environmental contamination?

4

5 **MR. PAUL CLOUD:**

6 Yeah. You're talking about contamination
7 specific to the parcel on the property. Obviously there are
8 clean air laws. There are clean water laws. There is RCRA,
9 there's CERCLA. You're talking about the specific parcel.
10 There is nothing on that parcel that is relevant to say a
11 clean air issue then it's irrelevant to put it in a FOST.
12 So if it's specific to the parcel. Kevin?

13

14 **MR. KEVIN HERRON:**

15 Well wetlands are federally and state
16 protected by environmental laws.

17

18 **MR. PAUL CLOUD:**

19 Right.

20

21 **MR. KEVIN HERRON:**

22 But they just don't fall under what you're

23

24

1 saying is the core of the FOSTs because the FOSTs are
2 contaminant related.

3

4 **MR. PAUL CLOUD:**

5 It's basically a contaminant related type of
6 thing specific to the parcel.

7

8 **MS. KAREN MASON-SMITH:**

9 It seems like it would be - would be placed
10 in the back in the covenant that goes with the environmental
11 provision because even for UXO, asbestos, lead based paint,
12 whatever, even though they're not regulated out of CERCLA,
13 hazardous waste or treated as an environmental investigation
14 studies they are included and attached to the FOST as an
15 environmental provision. So - because we're kind of
16 embarking upon something new here with this wetlands stuff.

17

18 **MR. PAUL CLOUD:**

19 Well it's - you have to understand that
20 there is no mandatory set of criteria for what is or is not
21 in a FOST. What is the mandatory criteria is that basically
22 between a FOST which identifies the environmental issues

23

24

1 specific to the contamination on this parcel and the
2 requirements to transfer the parcel under Deed Title
3 Conveyance, i.e. wetlands, endangered species, hundred (100)
4 year flood plains, right of access and easement, those types
5 of things are addressed in total so that the entire package
6 is complete once it's - once the Deed is provided to the
7 future owner whether it's the County in the case of this
8 parcel or Ford Lumber and Building Supply in the case of the
9 rest of the parcels at the Proving Ground.

10

11 **MS. KAREN MASON-SMITH:**

12 But don't you agree that there is some sort
13 of at least a notification of those items that the list that
14 we just made that were examples of.

15

16 **MR. PAUL CLOUD:**

17 A notification to who?

18 **MS. KAREN MASON-SMITH:**

19 A notification in the Finding of Suitability
20 to Transfer document.

21

22 **MR. PAUL CLOUD:**

23

24

1 No. I don't agree with that. That's not
2 the Army policy.

3

4 **MS. KAREN MASON-SMITH:**

5 I think there is for lead based paint,
6 asbestos.

7

8 **MR. PAUL CLOUD:**

9 We have those in the FOST.

10

11 **MS. KAREN MASON-SMITH:**

12 But I'm just asking now about this wetlands
13 delineation.

14

15 **MR. PAUL CLOUD:**

16 And that's where I disagree. I mean this is
17 - as I said this is an evolving issue. If you go back into
18 one (1) of the very first you know FOSLs, the FOSL for the
19 Cantonment Area, I believe there was a discussion of
20 wetlands. But this evolved and the decision was made within
21 the Army leadership that certain of these issues were not
22 germane to the specifics of a Finding of Suitability to

23

24

1 Transfer or Finding of Suitability to Lease. So there was a
2 conscious decision to take out certain things. Now that
3 doesn't mean that we don't do or recognize or review or
4 incorporate any restrictions for those subjects, but they're
5 just not part of this document. And that's not to say that
6 at some future time they might not be put in in some other
7 modified manner. But right now that is the policy and the
8 process that we follow. Kevin?

9

10 **MR. KEVIN HERRON:**

11 So let's say with the FOSL you wouldn't put
12 wetlands issue in the FOSL but in the Lease itself?

13

14 **MR. PAUL CLOUD:**

15 No. No. What - maybe you misunderstood
16 what I said. What I said is when FOSL for Jefferson was
17 done back in 1996 the process then, and I'm not a hundred
18 (100) percent sure of this, but I recall that there was a
19 paragraph or a section about ah either wetlands and/or
20 endangered species, some of that you won't find in FOSLs or
21 FOSTs now.

22 **MR. KEVIN HERRON:**

23

24

1 Un-huh (yes).

2

3 **MR. PAUL CLOUD:**

4 Because the process evolved and the decision
5 was made to take certain things out of the FOST or FOSL but
6 not to ignore them. To put them within this internal check
7 list for either when a Lease in Furtherance was entered into
8 and it would be put into that document or when the property
9 was being transferred we would put it into the Deed.

10

11 **MR. KEVIN HERRON:**

12 Un-huh (yes).

13

14 **MR. PAUL CLOUD:**

15 Did that answer your question Karen, Kevin?

16

17 **MR. KEVIN HERRON:**

18 Well I'm just saying --

19

20 **MS. KAREN MASON-SMITH:**

21 I guess.

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MR. KEVIN HERRON:

 If it happened today, you were doing a FOSL
I would be asking about it somewhere and especially in the
Lease that that was covered that - that wetlands should not
be destroyed.

MS. KAREN MASON-SMITH:

 Just another --

MR. KEVIN HERRON:

 Otherwise the Army would be held liable for
that.

MR. PAUL CLOUD:

 Well the Army is liable because the Army is
the title holder right now.

MS. KAREN MASON-SMITH:

 Just like you do for radon or UXO or
anything else. I guess I don't see this as something
different as far as notification.

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MR. PAUL CLOUD:

Well --

MS. KAREN MASON-SMITH:

And I thought there was something under CERCLA that did require that at least there was a notification of everything. But anyway.

MR. PAUL CLOUD:

Any other questions?

MS. KAREN MASON-SMITH:

But this is a new deal, these policies?

MR. PAUL CLOUD:

No.

MS. KAREN MASON-SMITH:

Is it written?

MR. PAUL CLOUD:

No.

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MS. KAREN MASON-SMITH:

I'm sorry.

MR. PAUL CLOUD:

That's okay. It's - it's not - when - when you say written the - what evolved was the template or format for a FOST or a FOSL. And that was a decision made within the Army that a standard template or format would be used. And when that decision was made several years ago they added some things, they took out some things, and it's still evolving. I mean if you look at a FOST for either the Western Wooded Parcel or the Northeast Parcel or the Airfield and you compare it to the FOST for the Central Cantonment Area, you will see format differences and changes. Some things are expanded. There are - there are - some subjects are discussed in a different more expanded format you know. So the thing is still evolving and there still will probably be changes to it. But what they are I may or may not know. So it's still an evolving document and it's not cast in concrete. But we follow the current

1 guidance as provided by our leadership. Peggy?

2

3 **MS. PEGGY VLEREBOME:**

4 So the Deed will simply acknowledge the
5 wetlands are there or will it go further than that?

6

7

8 **MR. PAUL CLOUD:**

9 The Deed will establish the existence of the
10 wetlands and the restrictions incumbent upon the wetlands
11 under the Clean Water Act. And the Corps of Engineers is
12 the federal regulator for wetlands. And they're the ones
13 that did the wetlands delineation for Jefferson. Just as
14 endangered species covenant will be in the Deed it is
15 regulated by the Fish and Wildlife Service and they're the
16 ones that did the endangered species survey in the twenty-
17 two hundred (2200) acres that had potential UXO on it where
18 we did the clearances.

19

20 **MS. PEGGY VLEREBOME:**

21 Okay.

22

23

24

1 **MR. PAUL CLOUD:**

2 Any other questions? Richard?

3

4 **MR. RICHARD HILL:**

5 So this is going to be mentioned in the
6 Deed.

7

8 **MR. PAUL CLOUD:**

9 When you say this what is this?

10 **MR. RICHARD HILL:**

11 The - the - that there is wetlands?

12

13 **MR. PAUL CLOUD:**

14 Oh yeah. It will be more than mentioned.

15

16 **MR. RICHARD HILL:**

17 Okay.

18

19 **MR. PAUL CLOUD:**

20 It will reference the report and identify -
21 that report identifies the location and the restrictions
22 incumbent upon ah the existence of the wetlands.

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MR. RICHARD HILL:

Un-huh (yes).

MR. PAUL CLOUD:

But that's also going to be restriction for this parcel because it's a Public Benefit Conveyance and you can only do certain things under it. If you combine the endangered species and the wetlands and the fact that it's a PBC ah it basically mandates that with the exception of very limited timbering possibly.

MR. RICHARD HILL:

Right.

MR. PAUL CLOUD:

Not much is going to happen to that parcel. You might have a trail here or there or an interpretative sign or station, but not much is going to happen there.

MR. RICHARD HILL:

And at that time of the transfer if the County wants a copy of the report.

1

2

MR. PAUL CLOUD:

3

4

They can have a copy of it right now. Are
you talking about the wetlands?

5

6

MR. RICHARD HILL:

7

Yes.

8

9

MR. PAUL CLOUD:

10

11

They have - I've given them permission to
get a copy.

12

13

14

MR. RICHARD HILL:

15

16

They already have a copy?

17

MR. PAUL CLOUD:

18

19

Oh yeah.

20

MR. RICHARD HILL:

21

22

Okay.

23

24

1 **MR. PAUL CLOUD:**

2 I gave the County and Mr. Ford a copy before
3 the decision was made so that they understood what would be
4 a future restricted conveyance so that they would not say
5 that they were not aware of what they might be restricted on
6 before they got the parcel.

7

8 **MR. RICHARD HILL:**

9 Okay.

10

11 **MR. PAUL CLOUD:**

12 Okay this is the parcel. It's probably -
13 what would you say Ken, ninety-five (95) percent wooded?
14 Ninety-eight (98) percent wooded? Just about the same
15 degree of wetlands as degree of woods on this parcel.

16 **MR. KEN KNOUF:**

17 Yeah.

18

19 **MR. PAUL CLOUD:**

20 There has never been any ah Army activity,
21 development or infrastructure within this parcel. Do you
22 have a question ma'am?

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MS. ANNE ANDREASEN:

Yes. Do any of the restrictions on this parcel - would they affect anything that would happen on neighboring parcels?

MR. PAUL CLOUD:

I'm not sure I understand your question.

MS. ANNE ANDREASEN:

For example an endangered species restriction. Could an airport open on the parcel right next to that?

MR. PAUL CLOUD:

In theory yes. However, the endangered species covenant for the Airfield, for the Western Wooded Parcel, ah - not for the Airfield. For the Western Wooded Parcel - let me see. I've got to think now. No I am correct. Endangered species restriction for the Airfield, for the Northeastern Parcel and the Western Wooded Parcel are all the same.

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MS. ANNE ANDREASEN:

But there's no ah possible impact from a neighboring parcel that could be affected by those restrictions on that acreage? Do you understand my question?

MR. PAUL CLOUD:

No. I'm not sure I follow what you're saying. If you're - let me see if I can answer it by way of an example.

MS. ANNE ANDREASEN:

Okay.

MR. PAUL CLOUD:

If you're asking whether the endangered species restriction would prevent the development of the Airfield Parcel as an airport?

MS. ANNE ANDREASEN:

Yes.

1 **MR. PAUL CLOUD:**

2 Right now the answer is no. The reason I
3 say no is because the Army under the requirements of the
4 Endangered Species Act consulted with the Fish and Wildlife
5 Service. We have a signed document from their Bloomington
6 field office identifying their recommendations to prevent an
7 adverse impact on this endangered species. We have
8 incorporated that or will be - we have incorporated it
9 actually into the Deed for the Airfield. It will be
10 incorporated into the Deed for the Northeast Parcel. It
11 will be incorporated into the Deed for the Western Wooded
12 Parcel. In fact for all these future transfers because of
13 when it was identified that restriction will apply or very
14 similar. But we will get a specific recommendation from
15 Fish and Wildlife Service for each parcel as it comes up.
16 Did that answer your question?

17

18 **MS. ANNE ANDREASEN:**

19 Maybe I'm not understanding.

20

21

22 **MR. PAUL CLOUD:**

23

24

1 Okay.

2

3 **MS. PEGGY VLEREBOME:**

4 Let's say somebody has a ah firing range.

5

6 **MR. RICHARD HILL:**

7 Just for example.

8

9 **MS. PEGGY VLEREBOME:**

10 Very close to your house and - and the noise
11 from it and who knows what else from it would go into the
12 Western Wooded Parcel or one (1) of these other that had
13 endangered species. Would that prevent them from doing
14 something on that property like scaring bats or the birds or
15 whatever was endangered?

16

17 **MR. PAUL CLOUD:**

18 I'm - I'm not the regulatory agency that
19 should respond to that. We do have fortunately a
20 representative from U.S. Fish and Wildlife Service, Dr.
21 Joseph Robb who I'm sure would be happy to respond. Joe?

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MR. JOE ROBB:

I think during the - of course I'm not at the Bloomington field office who is the regulator in question. But the Deed Restriction at Fish Wildlife Service ah through consultation with the Army deals with the breeding habitat, the cutting of trees, the time of cutting trees, how many trees are cut on those areas. So ah other activities that don't influence that ah probably aren't - aren't regulated.

MR. PAUL CLOUD:

Did that answer your question Peggy?

MS. PEGGY VLEREBOME:

Yes.

MR. PAUL CLOUD:

Any other questions on the Western Wooded Parcel? Peggy?

MS. PEGGY VLEREBOME:

1 How about issues like runoff and development
2 from other development around there? Does that become an
3 issue because of the wetlands? Would that be covered in the
4 Deed Restriction?

5

6 **MR. KEVIN HERRON:**

7 That would be covered under the Clean Water
8 Act because any construction that affects more than one (1)
9 acre has to - is required by State law to have erosion
10 control measures to prevent runoff. So --

11

12 **MR. PAUL CLOUD:**

13 It won't specifically be in the Deed but
14 it's covered under other statutory requirements.

15

16 **MS. PEGGY VLEREBOME:**

17 Okay.

18

19 **MR. PAUL CLOUD:**

20 Either state or federal. Thanks Kevin.

21 Karen?

22

23

24

1 **MS. KAREN MASON-SMITH:**

2 I just have a question about your ah - your
3 figure up there. The green represents what?

4

5

6 **MR. PAUL CLOUD:**

7 That's railroad. Where the railroad comes
8 in.

9

10 **MS. KAREN MASON-SMITH:**

11 Okay. And then the little ah - the red
12 numbers down there at the bottom?

13

14 **MR. PAUL CLOUD:**

15 Those are just building numbers. It's just
16 a - it's not blown up large enough to see them but they're
17 just building numbers and things like that.

18

19 **MS. KAREN MASON-SMITH:**

20 Okay.

21

22 **MR. PAUL CLOUD:**

23

24

1 Any other questions? Okay.

2

3 **MR. RICHARD HILL:**

4 Hey, wait.

5

6 **MR. PAUL CLOUD:**

7 Okay. Richard do you want to go back to the
8 Western Wooded Parcel?

9

10 **MR. RICHARD HILL:**

11 No.

12

13 **MR. PAUL CLOUD:**

14 No.

15

16 **MR. RICHARD HILL:**

17 Ah transfer of parcels in general.

18

19 **MR. PAUL CLOUD:**

20 Okay.

21

22 **MR. RICHARD HILL:**

23

24

1 **MR. RICHARD HILL:**

2 Un-huh (yes).

3

4 **MR. PAUL CLOUD:**

5 Would not expect right now that the
6 Southeastern Parcel would come out until late '04 or early
7 '05 and then sometime after the final clean up is done in
8 '05 the final transfer document or FOST in this case would
9 come out for all the postage stamps. But as you can see
10 just through the chronological sequence on - on several of
11 these FOSTs, not only in the presentation tonight, but
12 historically it averages about a year, sometimes more. But
13 I would use about a year between the time that a FOST comes
14 out and the property is finally transferred. Does that
15 answer your question?

16

17 **MR. RICHARD HILL:**

18 Yes sir. Thank you.

19

20 **MR. PAUL CLOUD:**

21

22 The next topic is the status of the License

23

24

1 Termination and ah points of contact. Some of this I'm sure
2 you've seen before. It gives the chronological sequence of
3 where the Restricted Release Termination process is. Ah the
4 Army submitted the second document to the NRC in June of
5 last year. The documents were posted on the Jefferson
6 website and we sent them out to the entire mailing list
7 which is about two hundred (200) people. And the documents
8 in this particular case did not prompt the NRC to ask any
9 additional questions. We did in fact receive a notification
10 in October of last year that the NRC had completed and
11 accepted under their Administrative Review Process the
12 documents and that is the environmental documents and the ah
13 actual License Termination Proposal. Once that was done
14 that kicked in the NRC's Technical Review Process which
15 takes ah about two (2) years under their internal process.
16 These next two (2) slides basically give you a chart
17 sequence of not only work days but calendar days on how the
18 NRC internal process would go should we have followed the
19 License Termination sequence. And then down here on the
20 left is the NRC point of contact, Dr. Tom McLaughlin. This
21 just follows through, identifies some of the more specific
22 steps in the process should we continue with it. As I think

23

24

1 everybody in the audience knows the Army earlier this year
2 sent a letter to the NRC with a proposal for a License
3 Amendment for Indefinite Duration Possession Only. That was
4 sent to the NRC in February of this year. In April the NRC
5 responded to that accepting that proposal. We had a meeting
6 with the NRC July 1st down at their headquarters in
7 Rockville, Maryland. There was a public access to that
8 where - via toll free number. There were a number of
9 participants that ah listened in and asked questions during
10 that meeting and right now the Army is expecting to submit
11 the Draft License Amendment for the Indefinite Duration
12 September of this year. Once that has been done the NRC as
13 I understand their process will issue a Federal Register
14 notice with a thirty (30) day comment period. They will
15 make the document available on their website. The Army
16 intends to make it available on their website and we will
17 probably mail it out to the entire mailing list on the RAB
18 which is again about two hundred (200). Subsequent to that
19 Federal Register notice and thirty (30) day comment period
20 then the NRC at some later date, probably this fall, will
21 schedule multiple meetings as I understand it in the three
22 (3) counties that make up JPG to hold public meetings to

1 seek public comments on the Draft License Amendment. Again
2 this is Dr. Thomas McLaughlin's contact information. If you
3 have any specific questions regarding the Indefinite
4 Duration or the License Termination process I think as maybe
5 commonly known to at least the people that participated in
6 the meeting and conference call on July 1st, the question
7 was asked of the NRC whether or not they were continuing to
8 work on the Detailed Technical Review of the License
9 Termination Application in parallel with the Indefinite
10 Duration action. And their answer was no they were not.
11 But I would suggest that anyone who has a more specific
12 question on the NRC process contact Dr. McLaughlin. Bob?

13

14 **MR. BOB HUDSON:**

15 Does that mean then - is that a good
16 indication that they are amenable to this new route?

17

18

19 **MR. PAUL CLOUD:**

20 We know officially they are because they
21 sent a letter in April saying they agreed with the concepts,
22 details to be worked out.

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MR. BOB HUDSON:

So even though it's never been done before
this is --

MR. PAUL CLOUD:

That's true. But the Restricted License
Termination has never been done before either.

MR. BOB HUDSON:

Right.

MR. PAUL CLOUD:

Either one (1) is a first.

MR. BOB HUDSON:

Right.

MR. PAUL CLOUD:

Any other questions regarding the DU License
issue?

1 **MS. KAREN MASON-SMITH:**

2 I just have a comment to share. Ah the July
3 1st meeting that NRC had EPA was able to participate in that
4 via conference call and I just wanted to share with the
5 group that the ah - the document that's referenced here, I
6 guess that the Army planned to send September 2003, the
7 Indefinite Duration Possession Only License Amendment, some
8 of the things that they discussed during that meeting was
9 including soil sampling and ground water sampling and a work
10 plan in the DU area. And ah I think that was the main
11 document that we discussed during the meeting. Richard can
12 you think of anything else?

13

14 **MR. RICHARD HILL:**

15 No. I can't think of anything else.

16

17 **MR. PAUL CLOUD:**

18 Any other - Robert?

19

20 **MR. BOB HUDSON:**

21 These things that these paths created by
22 closing JPG, is JPG a trend setter in these policies and

23

24

1 decisions?

2

3 **MR. PAUL CLOUD:**

4 They may not be a trend setter however it's
5 been my experience and I think as the former Technical
6 Director of the Proving Ground you would totally agree, not
7 only as the Technical Director but as my former boss, that
8 Jefferson by hook, crook or just luck of the draw happened
9 to get to a number of very specific issues before anyone
10 else did. Case in point UXO. Case in point lead based
11 paint. Case in point DU. It's just - you know we happened
12 to get there before anyone else. And part of the reason I
13 think is because we closed so long ago and none of these
14 issues had been addressed at the BRAC '91, '93, '95 rounds
15 because those facilities hadn't been closed and they hadn't
16 gotten to the point where they had to address these issues
17 yet.

18

19 **MR. BOB HUDSON:**

20 Plus that - when you say JPG in base
21 closures in general was sort of unique with a lot of these
22 issues that regular bases weren't faced with, particularly

23

24

1 the UXO issues and the DU issue.

2

3 **MR. PAUL CLOUD:**

4 Well that - that in general you might be
5 able to say but whereas JPG may have some unique
6 idiosyncrasies because of its mission and that mission
7 generated concerns as UXO ah you wouldn't find a concern at
8 Jefferson that you might find at another facility that had a
9 very industrialized base and had a lot of industrialized
10 contamination that is not present at Jefferson because of
11 what was done there.

12

13 **MR. BOB HUDSON:**

14 Sure.

15

16 **MR. PAUL CLOUD:**

17 So each - each facility to a certain extent
18 is unique.

19

20 **MR. BOB HUDSON:**

21 Yeah.

22

23

24

1 **MR. PAUL CLOUD:**

2 Just by what was done there and what - what
3 was caused and what concerns were raised.

4

5 **MR. BOB HUDSON:**

6 Yeah.

7

8 **MR. PAUL CLOUD:**

9 Any other comments or questions? This is
10 the Army's point of contact for the DU issue. It's Ms.
11 Joyce Kuykendall. She's the Radiation Safety Officer for
12 Jefferson. She's very knowledgeable and has been involved
13 with Jefferson for the last several years. If you have any
14 questions specific to the Army you can talk to her about the
15 DU issue.

16

17 **MS. KAREN MASON-SMITH:**

18 I have one (1) quick question. Going back
19 to the DU, the document that the Army plans to send
20 September of 2003. Did you say that was also going to go
21 out to the public?

22

23

24

1 **MR. PAUL CLOUD:**

2 Yes.

3

4 **MS. KAREN MASON-SMITH:**

5 Or is that just going to be with you?

6

7 **MR. PAUL CLOUD:**

8 Yes. It will go out to the public by

9 multiple mechanism.

10

11 **MS. KAREN MASON-SMITH:**

12 As I understand it the NRC will put it up on

13 their Adams website. Jefferson - the Army will put it on

14 the Jefferson website and we will mail it out to the mailing

15 list.

16

17 **MS. KAREN MASON-SMITH:**

18 Okay thank you.

19

20 **MR. PAUL CLOUD:**

21 Joe?

22

23

24

1 **MR. JOE ROBB:**

2 Any new reports from Chppm activity when
3 they were here last year?

4

5 **MR. PAUL CLOUD:**

6 No the report is not final yet.

7

8

9 **MR. JOE ROBB:**

10 Well there's activity.

11

12 **MR. PAUL CLOUD:**

13 Well they're working on getting the report
14 final.

15

16 **MR. JOE ROBB:**

17 So there's a draft?

18

19 **MR. PAUL CLOUD:**

20 There's drafts but they're all internal.
21 Jamie?

22

23

24

1 **MS. JAMIE DeWITT:**

2 The report? What is that?

3

4 **MR. PAUL CLOUD:**

5 The Army had multiple different on-going
6 studies that are occurring throughout the country. This
7 particular effort the Army, as I understand it, was looking
8 at a number of different bases throughout the country, not
9 just Jefferson but a number, and I don't know the exact
10 number. And they sampled the soil sediment, the water,
11 surface water and ground water for metals and explosives.
12 It was a project specific to the potential contamination
13 from unexploded ordnance. And the focus I believe was to
14 document whether or not there was any spread of
15 contamination, what levels they were at, what the specific
16 contaminants were and whether or not it might have a
17 potential adverse effect on active bases and their mission
18 for either training or testing. As I said the Jefferson
19 study was done last year. The field work was done. But the
20 report is not final yet. But once it is it will be provided
21 to the public. Joe?

22

23

24

1 **MR. JOE ROBB:**

2 You just answered one (1) of my follow up
3 questions and that's when it will be made available. Do you
4 know the lists of types of contaminants? You mentioned
5 metal and --

6

7 **MR. PAUL CLOUD:**

8 Basically it's the standard metals or
9 explosives that would be associated with emissions.

10

11 **MR. JOE ROBB:**

12 Is chlochoric included in that?

13 **MR. PAUL CLOUD:**

14 Chlochoric is included in that. And because
15 we knew specific at JPG that they were going to do this
16 effort we also tasked them for certain media to sample and
17 analyze the DU or uranium. Jamie?

18

19 **MR. JAMIE DeWITT:**

20 This is more of a question for Karen and it
21 deals with the DU issue. Were - were you from the EPA going
22 to write a Memorandum of Agreement or Understanding?

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MS. KAREN MASON-SMITH:

No.

MS. JAMIE DeWITT:

That would give EPA oversight over the toxicity, the metal toxicity of uranium?

MS. KAREN MASON-SMITH:

No. I don't know why you keep asking me that. That question was posed to --

MS. JAMIE DeWITT:

Yes. Well it came up during the July 1st conference call.

MS. KAREN MASON-SMITH:

Okay and that was an action item that Dr. McLaughlin said that he would follow up on. Now when he provided a written copy of the notes he didn't include that in there. So again that --

1 **MS. JAMIE DeWITT:**

2 That was kind of a big issue.

3

4 **MS. KAREN MASON-SMITH:**

5 Well he just sort of summarized it in the
6 meeting there that this issue came up. And that's the way
7 he addressed it. Because I understand that he is aware, and
8 Paul is aware, as all of us here are aware that you continue
9 to ask that question. So I think the way I would call Dr.
10 McLaughlin to answer that is he put himself down in the
11 action item to follow up on that. Now if - if an MOU is
12 developed I would assume that NRC would initiate the
13 process. That was my understanding.

14

15 **MS. JAMIE DeWITT:**

16 Okay.

17 **MS. KAREN MASON-SMITH:**

18 Because they - they regulate DUs. But it
19 was brought up and it was discussed at the meeting. There
20 were a number of concerns that we're also concerned about.
21 And then that's also something that you guys have continued
22 to ask. So again Kevin the - the TAP consultant to the RAB,

23

24

1 people that participated in the meeting asked that
2 question.

3

4 **MR. KEVIN HERRON:**

5 I remember that.

6

7 **MS. KAREN MASON-SMITH:**

8 They had a chance to ask questions.

9

10 **MR. KEVIN HERRON:**

11 I wrote it down in my notes. I was thinking
12 there was already an MOU between EPA and --

13

14 **MS. KAREN MASON-SMITH:**

15 There is. There is an MOU between EPA and
16 NRC but again if you're going to do something specific like
17 for instance that MOU is just a generalized MOU on how the
18 NRC and EPA are going to operate. There are facilities that
19 have both EPA and DU issues that overlap each other. Now to
20 do something specific which I think that you are asking ah
21 that would have to be formulated but again my understanding
22 is that the NRC would initiate that. Is that your

23

24

1 understanding Paul?

2

3 **MR. PAUL CLOUD:**

4 I beg your pardon?

5

6 **MS. KAREN MASON-SMITH:**

7 That NRC would initiate?

8

9 **MR. PAUL CLOUD:**

10 I don't - actually to be honest I don't
11 recall. I know it wasn't an Army action so I kind of didn't
12 pay that much attention.

13

14 **MS. KAREN MASON-SMITH:**

15 Did you understand that Richard?

16

17 **MR. RICHARD HILL:**

18 I seem to recall something like that yes.

19

20 **MS. KAREN MASON-SMITH:**

21 Right. So that did come up. And I know
22 that Diane, Dr. Henshel, asked the question again and it was

23

24

1 directed at me and it wasn't included in the minutes as to
2 any person.

3

4 **MR. RICHARD HILL:**

5 No.

6

7 **MS. KAREN MASON-SMITH:**

8 Okay.

9

10 **MR. RICHARD HILL:**

11 No it was not. The minutes - I wouldn't
12 call them minutes. It was just very brief summary of the
13 meeting. You got copies of that.

14

15 **MS. KAREN MASON-SMITH:**

16 Yes I did.

17

18 **MR. RICHARD HILL:**

19 All right. But you didn't?

20

21 **MS. JAMIE DeWITT:**

22 No.

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MR. RICHARD HILL:

Okay. I will give you a copy then. It's pretty brief. I just assumed everybody that was on the call would have somehow received them. Probably didn't know how to send them to you.

MS. JAMIE DeWITT:

Well I did get a little paragraph from you.

MR. RICHARD HILL:

Oh.

MS. JAMIE DeWITT:

That Dr. Mclaughlin had written to you.

MR. RICHARD HILL:

That may be it.

MS. JAMIE DeWITT:

That was it?

1 **MR. RICHARD HILL:**

2 Yeah. It seemed like it was more than just
3 one (1) paragraph but it wasn't more than a - was it more
4 than a page?

5

6 **MS. KAREN MASON-SMITH:**

7 I don't think so. And the attachment had
8 two (2) action items which did not include --

9

10 **MS. JAMIE DeWITT:**

11 I did not have anything that had
12 attachments.

13

14 **MR. RICHARD HILL:**

15 Okay.

16

17 **MS. KAREN MASON-SMITH:**

18 B, the action item, that particular item was
19 not included.

20

21 **MR. RICHARD HILL:**

22 I know that hydro geologist Chuck Morris had

23

24

1 an action item or he was to respond to write down what his
2 comments were about the ground water monitoring, the
3 comments that he had during the meeting because they were a
4 little technical and Dr. McLaughlin wanted him to write
5 those down. And Mr. Morris has done that.

6 **MS. KAREN MASON-SMITH:**

7 Was that included in the attachments as an
8 action item?

9

10 **MR. RICHARD HILL:**

11 As an action item. Yes I believe it was.

12

13 **MS. KAREN MASON-SMITH:**

14 Okay.

15

16 **MS. JAMIE DeWITT:**

17 Didn't Diane have an action item?

18

19 **MR. RICHARD HILL:**

20 Yeah she did.

21

22 **MS. JAMIE DeWITT:**

23

24

1 Has she had --

2

3 **MR. RICHARD HILL:**

4 She was supposed to talk to someone about
5 it.

6

7

8 **MS. KAREN MASON-SMITH:**

9 In EPA headquarters.

10

11 **MR. RICHARD HILL:**

12 Yeah. Right.

13

14 **MS. KAREN MASON-SMITH:**

15 So has that answered your question Jamie?

16

17 **MS. JAMIE DeWITT:**

18 Yeah. I'll talk to you about it more
19 tomorrow.

20

21 **MS. KAREN MASON-SMITH:**

22 Okay.

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MR. PAUL CLOUD:

Peggy do you have a question?

MS. PEGGY VLEREBOME:

Well that report that Jamie was asking you
about when do you expect a final report on that?

MR. PAUL CLOUD:

You're talking about the Chppm reports?

MS. PEGGY VLEREBOME:

What do you call that?

MR. PAUL CLOUD:

We refer to it as the Regional Range Study.

MS. PEGGY VLEREBOME:

The what?

MR. PAUL CLOUD:

1 The Regional Range Study. That's an in
2 house description. I don't think there is a formal
3 identification of it. That's how I refer to it.
4

5 **MS. PEGGY VLEREBOME:**

6 Yeah I think that's how he referred to it.
7

8 **MR. PAUL CLOUD:**

9 Right now we're expecting it to come out the
10 end of next month but that's not an absolute. Richard?
11

12 **MR. RICHARD HILL:**

13 What was the question? I heard the answer
14 but somebody was talking to me here.
15

16 **MS. PEGGY VLEREBOME:**

17 That study.
18

19 **MR. RICHARD HILL:**

20 Pardon?
21

22 **MS. PEGGY VLEREBOME:**
23
24

1 That study that Joe was asking about. You
2 said it wasn't final yet and I was just asking about when it
3 would be.

4

5 **MS. KAREN MASON-SMITH:**

6 And you said you expected it to come out
7 next month?

8

9 **MR. PAUL CLOUD:**

10 Yes ma'am.

11

12 **MS. KAREN MASON-SMITH:**

13 And you're going to send that out?

14 **MR. PAUL CLOUD:**

15 That is our intention.

16

17 **MS. KAREN MASON-SMITH:**

18 Great.

19

20 **MR. RICHARD HILL:**

21 Good. Thank you. I seem to recall in the
22 July 1st teleconference with the NRC that, and I could be

23

24

1 wrong on this, but I thought that the Army was going to
2 submit its Draft Indefinite Duration Possession Only JPG DU
3 License Amendment in August. Has that been set - postponed
4 just a little bit until September?

5

6 **MR. PAUL CLOUD:**

7 Short answer. Yeah.

8

9 **MR. RICHARD HILL:**

10 Okay.

11

12 **MR. PAUL CLOUD:**

13 At the time in July our estimate was for
14 August.

15

16 **MR. RICHARD HILL:**

17 Okay.

18

19 **MR. PAUL CLOUD:**

20 However that has been - it's been required
21 to modify that. So we - we basically pushed it back. There
22 is no mandatory that I am aware of time line on that as long

23

24

1 as there is a reasonable justification and explanation and
2 notification to the regulator which we have done in this
3 case.

4

5 **MR. RICHARD HILL:**

6 I just guess - I just had heard that.

7

8 **MR. PAUL CLOUD:**

9 I mean it's a very recent development only
10 in the last day or so.

11

12 **MR. RICHARD HILL:**

13 I see. Okay. Yeah that's - I kind of
14 expected that.

15

16 **MR. PAUL CLOUD:**

17 It can happen.

18 **MR. RICHARD HILL:**

19 Yeah.

20

21 **MR. PAUL CLOUD:**

22 Any other comments or questions? I don't

23

24

1 have anything else other than this is when and where our
2 next meeting will be, in November at South Ripley Elementary
3 School in Versailles. I would like to thank everyone for
4 coming this evening. If you have any additional questions
5 feel free to ask now or comments. I don't have any closing
6 remarks other than to remind you if you didn't sign in and
7 you wish to please do. As I understand it right now the
8 State and the EPA and Save the Valley and Fish and Wildlife
9 would like a copy of the wetlands delineation for the
10 Western Wooded Parcel.

11

12 **MS. KAREN MASON-SMITH:**

13 Right.

14

15 **MR. PAUL CLOUD:**

16 If you would do me a favor then if you've
17 signed in on the attachment just put as asterisk by your
18 name and I will use that asterisk as to who to provide
19 copies to.

20 **MS. KAREN MASON-SMITH:**

21 Also would you add EPA would like a copy of
22 the - I think it was the Indiana Bat Study that was done by

23

24

1 Fish and Wildlife.

2

3 **MR. PAUL CLOUD:**

4 Actually you can get that right directly
5 from Fish and Wildlife. It's their document.

6

7 **MS. KAREN MASON-SMITH:**

8 Okay. So Joe if there's a document that you
9 guys recently completed, ah I'm not sure when you completed
10 it, but it was for the study for the Indiana bats at
11 Jefferson Proving Ground and we talked about that today when
12 we did our Ecological Risk Assessment site visit. I would
13 like to get a copy of that.

14

15 **MR. JOE ROBB:**

16 Okay.

17

18 **MS. KAREN MASON-SMITH:**

19 If that's possible.

20

21

22 **MR. JOE ROBB:**

23

24

1 Okay. Are you going to be in town tomorrow?
2
3 **MS. KAREN MASON-SMITH:**
4 Yes.
5
6 **MR. JOE ROBB:**
7 Stop by the office and I can make a copy.
8
9 **MS. KAREN MASON-SMITH:**
10 Okay great.
11
12 **MR. PAUL CLOUD:**
13 That's all I have. Thank you very much.
14 Enjoy the rest of the evening. Richard do you have any
15 closing statements?
16
17 **MR. RICHARD HILL:**
18 No thank you. Good night.
19 * * * * *
20 CONCLUSION OF HEARING
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C E R T I F I C A T E

STATE OF INDIANA)
) SS:
COUNTY OF JEFFERSON)

I, Sharon Shields, do hereby certify that I am a Notary Public in and for the County of Jefferson, State of Indiana, duly authorized and qualified to administer oaths; That the foregoing public hearing was taken by me in shorthand and on a tape recorder on July 29, 2003 in the Madison-Jefferson County Public Library, 420 West Main Street, Madison, IN; That this public hearing was taken on behalf of the Jefferson Proving Ground Restoration Advisory Board pursuant to agreement for taking at this time and place; That the testimony of the witnesses was reduced to typewriting by me and contains a complete and accurate transcript of the said testimony.

I further certify that pursuant to stipulation by and between the respective parties, this testimony has been transcribed and submitted to the Jefferson Proving Ground Restoration Advisory Board.

WITNESS my hand and notarial seal this _____ day of August, 2003.

Sharon Shields, Notary Public
Jefferson County, State of Indiana

My Commission Expires: July 2, 2007